

REMARKS

Claims 1, 2, 3 and 5 have been amended in a manner believed to overcome the rejections under 35 U.S.C. §112, second paragraph, as set forth in paragraph No. 2 of the Office Action.

The rejection of claims 1-12, as anticipated by or obvious over Slater US patent No. 3,412,897, is respectfully traversed.

Regarding independent claim 1, the examiner says that the Slater dispenser has an operating section (21, 22, 23) and a tubular section (10) that is cut open in axial direction. Applicants respectfully disagree with this interpretation of the Slater structure. It is clear from Slater that it is the operating section (21, 22, 23) that is cut open (39) between adjacent fingers (21), and that the tubular section (10) is not cut open at all. Slater clearly does not teach or suggest a tubular section (10) that is cut open in an axial direction, and Slater therefore does not teach or suggest a structure that is the same as or equivalent to that called for by independent claim 1.

Further, when the Slater dispenser is in a relaxed state, both the length and width of the exit opening (11) are smaller than the item to be dispensed, as is clearly seen in Figs. 1 and 2 of the reference. The Slater dispenser, when relaxed, therefore does not teach or suggest the claim 1 requirement that the dispensing opening, in a relaxed state of the dispenser, has a length that is larger than the items.

In addition, Slater's retaining cams (23) are not on an end of the tubular section (10). Instead, the retaining cams (23) are part of the operating section (21,22,23) and

define therebetween the exit opening (11) from the dispenser. Thus, in Slater it is the operating section (21,22,23) that is cut open (39) to allow the fingers (21) to flex outwardly upon manual movement of an item to be dispensed through the fingers, and the retaining cams (23) are not on an end of the tubular section (10) and oriented toward the exit opening (11), but instead the retaining cams are at and define therebetween the exit opening. It might be noted that the purpose of the cut open state of the tubular section of the present invention is totally different from the purpose of the openings between the fingers of Slater, i.e., in the present invention the axial cut in the tubular section provides for items that get hooked with one another on their outer surfaces to be shaken free on handling of the dispenser.

Accordingly, it is respectfully submitted that Slater neither teaches nor suggests the structure required by independent claim 1 and its dependent claims 2-12, and that the claims are allowable.

Regarding claim 2, the examiner's interpretation of the reference to the contrary, as is clearly shown in Figs. 1 and 2 of Slater, neither pair of opposed retaining cams (23) has a spacing therebetween, in the relaxed state of the dispenser, that is larger than the items. Also, Slater has no accommodating chamber between the exit opening (11) and retaining cams (23) for receiving and accommodating one item. Instead, the retaining cams (23) are located right at and define therebetween the exit opening (11). In other words, since the retaining cams are not being spaced upstream from the exit opening, it is impossible for an accommodating chamber to be defined between the retaining cams

and exit opening. Slater therefore does not teach or suggest the structure required by claim 2.

Claim 3 depends from claims 1 and 2 and is allowable for the same reasons.

Regarding claim 4, Slater's dispenser is not intended to be mounted on an opening to a container holding items to be dispensed, and does not have a structure that would accommodate such a mounting. If for some unfathomable reason the Slater dispenser, with its cap (33), were mounted on an opening to a container, such that a rim around the container opening extended into the golf tee holding trough (37), no useful purpose would be served. Items in the container would not be capable of being dispensed by the Slater dispenser, since the items would be blocked by the closed end (35) of the cap from moving from the container into the dispenser. Thus, use of the Slater dispenser on a container as proposed by the examiner would totally defeat operation of the dispenser, so such a use cannot be said to be obvious. Claim 4 therefore patentably distinguishes over Slater.

Regarding claims 5 and 6, the Slater exit opening (11) is a passage and not a groove and there are no grooves on either the outside of the operating section (21, 22, 23) of Slater or on the outside of the tubular section (10). Slater simply does not teach or suggest the structure of claims 5 and 6.

Regarding claim 7, as discussed in connection with its independent claim 1, Slater's retaining cams (23) are not on an end of the tubular section (10). Instead, they are part of the operating section (21,22,23) and are at and define therebetween the exit

opening (11). The retaining cams (23) therefore not on an end of the tubular section (10) toward the exit opening (11). Slater therefore neither teaches nor suggests the structure of claim 7, and the claim is patentable

Regarding claim 8, the examiner has not indicated where Slater has a free annular space between an inner wall of his operating section and an outer wall of his tubular section, and applicants cannot find any such annular space. More to the point, it is clear from Fig. 2 of Slater that the operating section and tubular section share common inner and outer walls and that there is no annular space to be found between the inner wall of the operating section and outer wall of the tubular section. Claim 8 is patentable over the reference.

Regarding claim 9, the examiner has not indicated where to find the slot he says is in Slater's tubular section (10). Applicants have looked, but have failed to find in the tubular section (10) wither at least one slot or at least two circumferential sections that are movable relative to each other. Claim 9 is allowable.

Regarding claim 10, Slater's dispenser is not made in one piece. Instead, it comprises a number of separate pieces, e.g., (10, 12, 19, 25, 27, 33, 35, etc.).

Regarding claim 11, the examiner has not pointed out where Slater teaches that his dispenser may be used with a container and, as discussed in connection with claim 4, the Slater dispenser is not adapted for use with a container.

Regarding claim 12, the examiner not pointed out where the Slater cap (33) has an inwardly projecting pin that projects into the exit opening (11) of the dosing

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dispenser when the cap is mounted on the dispenser, and there is no such pin to be found in Slater.

In view of the foregoing, and as all of the claims 1-12 patentably distinguish and are allowable over Slater, favorable reconsideration and early passage of the application to allowance are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert A. Lloyd". The signature is fluid and cursive, with a horizontal line drawn underneath it.

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